

OFFICE OF EXECUTIVE POLICY AND PROGRAMS POLICY AND PROCEDURE

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I. General Information

All performance appraisals shall be made in writing by the employee's supervisor (the rater) who has direct experience or knowledge of the work being performed. The appraisal shall be reviewed by the next higher level supervisor (the reviewer), unless the rater is the agency head, prior to the appraisal being discussed with the employee. The reviewer may attach additional comments to the appraisal, and in the attachment may take exception to the rater's appraisal. In addition, the reviewer has the authority to change the appraisal completed by the rater. If the reviewer elects to change the rating, the change and associated justification should be noted on the appraisal document. Whenever an employee's job responsibilities change significantly, the appraisal document should be revised to reflect that change. The final appraisal must bear the signature of the rater, the reviewer and the employee, if possible. If any party refuses to sign the appraisal, a notation shall be made on the performance appraisal of this. If possible, a witness should sign to acknowledge that the party refused to sign the appraisal.

All performance appraisals shall become a permanent part of the employee's official personnel file. Upon request, the agency shall furnish the employee with a copy of the performance appraisal with copies of all pertinent attachments.

The provisions of this policy address the appraisal process of both probationary and covered employees.

II. Training

Employees receive introduction to the Employee Performance Management System through new employee orientation, general information sessions and communication from the office or division.

III. Levels of Performance

There shall be three levels of performance to rate each job function, objective, and performance characteristic and to rate overall performance:

1.
Exceptional Performance
Work that is consistently above the success criteria of the job function, objective, or performance characteristic definition throughout the rating period.
2.
Successful Performance
Work that meets the success criteria of the job function, objective, or performance characteristic definition.
3.
Unacceptable Performance
Work that fails to meet the success criteria of the job function, objective, or performance characteristic definition.

Any “substantially exceeds” ratings issued prior to the implementation of this policy will now be equated to an “exceptional” rating.

IV. Planning Stage

Each employee shall have a planning stage conducted at the beginning of each rating period. The employee's job functions (which include job duties and success criteria), objectives, and performance characteristics for the next rating period will be discussed at this time. The items described below may be included in the planning stage. The rater and employee should participate in drafting the planning stage document. The reviewing officer and the rater should discuss the requirements for the coming year prior to the planning stage. A rater may incorporate a team activity into the planning stage document. The team performance being evaluated could constitute a job function, an objective, or one criterion for a particular job function or objective. A rater may also link the employee's training plan to the planning stage document.

Job Functions

The rater and the employee shall determine the job functions (which include job duties and success criteria) by reviewing the employee's position description. If the position description is not up-to-date or if there is no

position description, one should be prepared and submitted for approval. In those instances where the rater and employee cannot agree upon the job functions, the rater's decision shall be final. The statement outlining the job function should include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employee to meet performance requirements. Each job function shall be rated in the evaluation stage based on the three levels of performance. It shall be mandatory for all raters to be evaluated on the timely completion of each employee's performance appraisal.

Objectives

Objectives shall be optional for all employees. An objective should be included when the employee is assigned a special, non-recurring project or assignment that is not included on the employee's position description. The statement outlining the objective(s) should also include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employee to meet performance requirements. Each objective shall be rated in the evaluation stage based on the three levels of performance.

Performance Characteristics

The Office of Human Resources will provide a list of suggested performance characteristics and their definitions. Each performance characteristic shall be defined in the planning stage and rated in the evaluation stage based on the three levels of performance described in Section III. The performance characteristics section shall be used as a communication tool to emphasize those performance characteristics that are important to success in performing the job functions and objectives included in the planning document. The performance characteristics section shall be weighted in the determination of the overall performance rating. The total weight of the performance characteristic section may not exceed 10% of the overall performance rating.

It shall be mandatory for all managers and supervisors to be rated on the performance characteristic of "promoting equal opportunity." (Promoting equal opportunity includes such areas as hiring, promotion, or placement; level of personal and organizational commitment to equal opportunity; progress toward achieving a fully integrated and representative work force; and contribution toward minority programs and other social/economic equal opportunity goals.)

V. Ongoing Performance Management

A rater should continue to provide performance feedback to employees throughout the review period. An unofficial mid-year review is encouraged to facilitate this communication between raters and employees. In addition, various options are available to the rater in conducting performance management. A rater may

gather feedback to prepare the appraisal document and/or conduct unofficial appraisals more frequently than required in this policy.

VI. Abbreviated Planning Stage and Review

To facilitate the transition from the November 1st “Universal Review Date” to individual employees’ review dates, an abbreviated planning stage and evaluation process will be used for employees having “short-year” review due dates that occur within the three months (November, December, and January) following the November 1, 2006 “Universal Review Date.” For employees with review due dates within the three months following the November 1, 2006 “Universal Review Date,” when job duties have not changed, the planning stage from the just completed review period would be used as the planning stage for the short-year review period. A Short-Year Performance Review Form should be used to evaluate the employee’s performance prior to the end of the short-year review period. If the job functions have changed from the previous planning stage, the employee should receive an updated planning stage document for the short-year review period. The revised planning stage should be used to evaluate the employee’s performance prior to the end of the short-year review period.

For those employees with review dates occurring February 1, 2006, or later, a full planning stage document should be prepared to cover the short year review period. Once the short year review is completed prior to the employee’s review date, a full planning stage document should then be prepared to cover the employee for a full year from the employee’s review date.

VII. Probationary Period

Each new employee in probationary status shall be rated prior to the completion of a twelve-month probationary period. If the employee does not receive a performance appraisal prior to the performance review date, the employee will receive a “successful” rating by default and obtain covered status as a State employee and permanent status in the class. The probationary period may not be extended.

A probationary employee who receives a promotion, demotion, reclassification, transfer or is reassigned to a position in a different class is given a new original appointment in the new class and the twelve-month probationary period begins again from the date of the promotion, demotion, reclassification, transfer or reassignment to a position in a different class. Likewise, a probationary employee who transfers from another state agency to a position in a different class shall be required to serve twelve (12) months with the Governor’s Office prior to attaining permanent status. An employee who is reassigned or transferred to a position in the same class or who receives any in-band increase or decrease within the current class shall not have the review date re-established.

If an employee is not performing satisfactorily during the probationary period, the employee shall be

terminated before becoming a covered employee. Until an employee has completed the probationary period and has a “successful” or higher overall rating on the employee’s evaluation, the employee has no grievance rights under the State Employee Grievance Procedure Act; therefore, an agency is not required to follow the “Substandard Performance Process” to terminate a probationary employee.

VIII. Interim Appraisal for Probationary Employees

Supervisors are encouraged to complete an optional Interim Appraisal for Probationary Employees at the end of the employee’s sixth month within the position. The interim appraisal can assist supervisors in documenting their recommendation to retain or dismiss a probationary employee prior to the end of the probationary period. The completed Interim Appraisal may be forwarded to the Governor’s Office of Human Resources.

IX. Annual Performance Reviews

All employees shall be given an annual appraisal no more than 90 calendar days prior to the employee's performance review date. An employee on approved leave without pay for more than 30 consecutive workdays shall have the performance review date advanced one calendar day for each calendar day on approved leave after these first 30 workdays. A covered employee, who within 30 calendar days of his performance review date receives a “Warning Notice of Substandard Performance,” shall have the performance review date advanced one calendar day for each calendar day the “Warning Notice of Substandard Performance” is in effect.

The performance review date marks the beginning of a new review period. If an employee does not receive an appraisal prior to the performance review date, the employee shall receive a “successful” rating by default. A covered employee may not be issued an overall “unacceptable” appraisal at any time during the annual review period without following the “Substandard Performance Process.” Additionally, an employee may not be issued an “unacceptable” rating on any essential job function or objective which significantly impacts performance without following the “Substandard Performance Process.”

X. Trial Periods

Each covered employee who has been demoted, promoted, reclassified or reassigned to a position in a different class shall be appraised prior to the completion of a six-month trial period in the position. The performance review date marks the beginning of a new review period. If an employee does not receive a performance appraisal prior to the performance review date, the employee will receive a “successful” rating by default and obtain permanent status in the new classification. Once an employee has completed a successful trial period and obtained permanent status in a class, the employee retains permanent status in the class throughout the employee’s continuous service. The six-month trial period may be extended up to 90 calendar days upon written notice to the employee prior to the end of the six-month trial period.

The “Substandard Performance Process” is not required to demote or reclassify downward an employee in trial status to the same class from which promoted, if the demotion or reclassification occurs within the trial period. The “Substandard Performance Process” is also not required to demote or reclassify downward an employee in trial status to a class in an equal or higher pay band from which promoted, if the demotion or reclassification occurs within the trial period. The employee in trial status may not grieve such demotion. The employee in trial status may not be terminated or demoted to a class in a lower pay band than that from which promoted for performance reasons without following the “Substandard Performance Process.”

XI. Substandard Performance Process for Covered Employees

A covered employee is entitled to adequate notice of substandard performance and the opportunity to improve the substandard performance before receiving an “unacceptable” rating and being removed from the position. To ensure this occurs, the following procedures shall be followed:

- a.

A rater shall issue a “Warning Notice of Substandard Performance” prior to issuing an “unacceptable” rating to a covered employee. If during the review period an employee’s performance is considered “unacceptable” in any essential job function or objective which significantly impacts performance, the rater shall provide the employee with a written “Warning Notice of Substandard Performance.” The warning notice shall provide for an improvement period of no less than 30 days and no more than 120 days. The warning notice may be issued at any time during the review period. Ordinarily, the warning period may not extend beyond the employee’s review date. However, if the warning notice is issued less than 30 days before the employee's review date, the review date would roll forward a day for each day the warning notice is in effect.
- b.

The rater and employee may participate in drafting a work improvement plan. The work improvement plan should include a list of ways to improve the deficiencies and other appropriate performance-related recommendations. In instances where the rater and employee cannot agree upon the content of the work improvement plan, the rater's decision shall be final.
- c.

During the warning period, the employee and the rater shall have regularly scheduled meetings during which they shall discuss the employee's progress. Documentation is required to verify that these counseling sessions were held. Copies of this documentation shall be placed in the employee's official personnel file and given to the employee upon request.
- d.

If the employee's performance is rated “successful” or above on all essential job functions/objectives which significantly impact performance noted in the warning notice by the end of the warning period, employment shall continue. If the employee is rated “unacceptable” on any essential job function or objective which significantly impacts performance as noted in the warning notice by the end of the warning period, the employee shall be removed from the position immediately (i.e., terminated, reassigned, demoted).

- e. Once a time frame for improving substandard performance has been given, the employee must receive a written appraisal prior to the end of the warning period or the employee will receive a "successful" rating by default.
- f. If an employee has been issued two warning notices within a 365-day period and performance drops to a substandard level on any essential job function/objective which significantly impacts performance for a third time within a 365-day period, the employee shall be removed from the position upon the third recurrence of such substandard performance by issuing the "unacceptable" appraisal. A warning notice is not required on the third occurrence.

XII. Warning Notice of Substandard Performance

The requirements of a "Warning Notice of Substandard Performance" are:

- a. The notice shall be in writing, addressed to the employee, labeled as a "Warning Notice of Substandard Performance," and signed by the employee (witnessed, if employee will not sign).
- b. The notice shall list the job function(s) and/or objective(s) included on the employee's planning document that are considered "unacceptable," with an explanation of the deficiencies for each job function and/or objective.
- c. The notice shall include the time period for improvement and the consequences if no improvement is noted (i.e., termination, demotion, reassignment).
- d. The notice shall include a plan for meetings to discuss employee progress during the warning period.
- e. The notice must be approved by the Governor's Office of Human Resources.

A copy of the notice shall be given to the employee and placed in the employee's official personnel file.

XIII. Weighted System

In order to reduce subjectivity in the evaluation, a numerical value is assigned to each level of performance. Each job function, objective, and performance characteristic is individually rated using the numerical value

that corresponds with the appropriate performance level. The rater and the employee may determine a percentage weight for each individual job function, objective, and performance characteristic which collectively will total 100%. Performance characteristics shall be weighted, and the weighted sum of the performance characteristics section may not exceed 10% of the overall performance rating. The result of the weights applied to the ratings will result in an overall score. The overall score will fall within a range which corresponds to the three performance levels using the chart below. Justification is required for an overall rating of “exceptional performance.” For examples of how to apply the weighted system, contact the Governor’s Office of Human Resources.

Performance Level	Value	Range for Overall Score
Exceptional Performance	3	2.5 to 3.0
Successful Performance	2	1.5 to 2.49
Unacceptable Performance	1	1.49 and below

XIV. Definitions

Review Date – The employee’s review date as established in accordance with the State Human Resources Regulations.

Short-Year EPMS Review – Any performance appraisal that evaluates an employee’s performance for a period of less than twelve months. (Exceptions: trial period reviews and warning notice reviews)

Short-Year Planning Stage – Any EPMS planning stage document covering a period of time less than twelve (12) months. (Exception: trial period planning stages)

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